



NEWS RELEASE  
*Office of the  
United States Attorney  
for the  
District of Nebraska*  
**Deborah R. Gilg**

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United States Attorney Deborah R. Gilg announced the federal Grand Jury for the District of Nebraska has returned 24 indictments charging 26 defendants. Indictments are charging documents that contain one or more individual counts that are merely accusations, and every defendant is presumed innocent unless and until proven guilty. If you need additional information on any of the following indictments, please telephone Deborah R. Gilg, or in her absence, Criminal Chief, Jan Sharp, at (402) 661-3700.

- \* **Cesar Aguirre**, age 39, of Fresno, California, is charged with possession with intent to distribute more than 500 grams of a mixture or substance containing a detectable amount of cocaine on or about April 18, 2010. The maximum possible penalty includes imprisonment of not less than 5 years and up to 40 years, a \$2 million fine, a 5 year term of supervised release and a \$100 special assessment.
- \* **David Chavez**, age 37, of Omaha, is charged in a two count indictment. Count I alleges that on or about January 21, 2010, the defendant distributed 5 grams or more of actual methamphetamine. The maximum possible penalty includes imprisonment of not less than 5 years and up to 40 years, a \$2 million fine, a 5 year term of supervised release and a \$100 special assessment. Count II alleges that on or about April 8, 2010, the defendant

distributed 5 grams or more of actual methamphetamine. The maximum possible penalty includes imprisonment of not less than 5 years and up to 40 years, a \$2 million fine, a 5 year term of supervised release and a \$100 special assessment.

- \* **Miguel Angel Correa**, age 29, of Las Vegas, Nevada, is charged with possession with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine on or about April 28, 2010. The maximum possible penalty includes imprisonment of not less than 10 years and up to life, a \$4 million fine, a 5 year term of supervised release and a \$100 special assessment.
- \* **Saul Fuentes-Castro**, age 35, is charged with illegal reentry into the United States on or about April 7, 2010, after being deported following conviction for an aggravated felony. The maximum possible penalty is imprisonment of 20 years, a \$250,000 fine, a 3 year term of supervised release, and a \$100 special assessment.
- \* **Francisco Garcia-Aguilar**, age 32, of Omaha, is charged in a four-count Indictment. Count I charges that on or about June 6, 2008, Garcia-Aguilar misused a social security card and a Nebraska Identification Card as evidence of lawful employment in the United States. The maximum possible penalty for this count includes imprisonment of 5 years, a \$250,000 fine, 3 years of supervised release, and a \$100 special assessment. Counts II and III allege Garcia-Aguilar falsely claimed United States Citizenship on or about June 6, 2008, and April 28, 2010, respectively. If convicted the maximum possible penalty for each count includes 3 years imprisonment, \$250,000 fine, 1 year of supervised release, and a \$100 special assessment. Count IV of the Indictment charges Garcia-Aguilar with misuse of a Social Security Number. The maximum penalty for this count includes

imprisonment of 5 years, a fine of \$250,000, followed by a term of supervised release of 3 years, and a special assessment of \$100.

- \* **Francisco Garcia-Saldana**, also known as Burro, age 26, is charged in a three count indictment. Count I alleges that from an unknown date but at least as early as on or about January, 2009, and continuing through on or about September 23, 2009, the defendant conspired with others to distribute and possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount methamphetamine. The maximum possible penalty includes imprisonment of not less than 10 years and up to life, a \$4 million fine, a 5 year term of supervised release and a \$100 special assessment. Counts II and III allege that on or about April 10, 2010, and on or about April 26, 2010, the defendant distributed less than 50 grams of a mixture or substance containing a detectable amount of methamphetamine. The maximum possible penalty for each count includes imprisonment of up to 20 years, a \$1 million fine, a 5 year term of supervised release and a \$100 special assessment.

- \* **Thomas J. Herink**, age 44, of Fremont, is charged in a 14-count Indictment. Counts 1 through 11 charge Herink with wire fraud beginning on or about June 30, 2003, and continuing to on or about January, 2006. It is alleged that Herink, President and Chief Executive Officer (CEO) of Golf Services Group, Inc., a construction business that originally built and renovated golf courses, and later diversified into other construction projects, devised a scheme to unjustly enrich himself by applying for loans and obtaining construction bonds for his business entities. Herink allegedly provided false financial statements to obtain various loans and construction bonds allowing his business entities

to participate in large construction contracts throughout the United States. Herink allegedly defaulted on some of the projects, causing the loss of millions of dollars. Herink is also charged with 1 count of bank fraud, and 2 counts of making false statements to a bank. The maximum possible penalty for each of the wire fraud counts includes imprisonment of 20 years, a \$250,000 fine, 5 years of supervised release, and a \$100 special assessment. The maximum possible penalty for the bank fraud count includes imprisonment of 30 years, a \$1,000,000 fine, 5 years of supervised release, and a \$100 special assessment. The maximum possible penalty for each of the false statement counts includes imprisonment of 30 years, a \$1,000,000 fine, 5 years of supervised release, and a \$100 special assessment.

- \* **Lauro Rubio Hernandez**, age 32, of Omaha, is charged with possession with intent to distribute more than 50 grams of a mixture or substance containing a detectable amount of methamphetamine on or about March 18, 2010. The maximum possible penalty includes imprisonment of not less than 5 years and up to 40 years, a \$2 million fine, a 5 year term of supervised release and a \$100 special assessment. The indictment also alleges \$6,930.00 in United States currency that was seized was used or intended to be used as part of this violation and should be forfeited to the United States.
- \* **Jerry A. Lopez**, age 24, of Omaha, is charged with being a drug user in possession of a firearm on or about March 2, 2010. The maximum possible penalty is 10 years in prison, a fine of up to \$250,000, a 3 year term of supervised release, and a \$100 special assessment.

- \* **Feliciano Lopez-Lopez**, also known as Victorio Lopez, age 32, is charged with illegal reentry into the United States on or about April 18, 2010, after being deported following conviction for an aggravated felony. The maximum possible penalty if convicted, includes imprisonment of 20 years, a fine of \$250,000, followed by 3 years of supervised release, and a \$100 special assessment.
- \* **Victor Lopez-Gonzalez**, age 34, of Phoenix, Arizona, **Barry Ashcraft**, age 39, of Concho, Arizona, and **Jonna Steffen**, age 40, also of Concho, Arizona, are charged in a two count indictment. Count I alleges that on or about April 16, 2010, the defendants conspired together and with others to distribute and possess with intent to distribute 100 kilograms or more of marijuana. The maximum possible penalty includes imprisonment of not less than 5 years and up to 40 years, a \$2 million fine, a 5 year term of supervised release and a \$100 special assessment. Count II alleges that on or about April 16, 2010, the defendants possessed with intent to distribute 100 kilograms or more of marijuana. The maximum possible penalty includes imprisonment of not less than 5 years and up to 40 years, a \$2 million fine, a 5 year term of supervised release and a \$100 special assessment.
- \* **Jose Refugio Maciel-Barajas**, also known as Oscar Zamora, age 38, of Omaha, is charged in the first count of an indictment with fraud and misuse of visas, permits and other documents on or about May 5, 2010. The maximum possible penalty for this count includes imprisonment of 10 years, a \$250,000 fine, 3 years of supervised release, and a \$100 special assessment. Count II of the indictment charges Maciel-Barajas with aggravated identity theft on or about May 5, 2010. The penalty includes a mandatory

minimum sentence of imprisonment for 2 years consecutive to any other term of imprisonment imposed on the first count of the indictment, a \$250,000 fine, 1 year of supervised release, and a \$100 special assessment.

- \* **Hugo Martinez-Luna**, age 27, is charged with illegal reentry into the United States on or about March 9, 2010, following deportation as a felon. The maximum possible penalty is imprisonment of 10 years, a \$250,000 fine, a 3 year term of supervised release, and a \$100 special assessment.
- \* **Rondell Moore**, age 29, of Omaha, is charged with possession with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of crack cocaine on or about April 15, 2010. The maximum possible penalty includes imprisonment of not less than 10 years and up to life, a \$4 million fine, a 5 year term of supervised release and a \$100 special assessment. The indictment also alleges \$3,322.00 in United States currency that was seized on April 15, 2010, was used or intended to be used as part of this violation and should be forfeited to the United States.
- \* **David L. Musk**, age 41, of Omaha, is charged with 3 counts of wire fraud from on or about January 1, 2007, and continuing until on or about September 30, 2009. It is alleged that Musk, operating under the name Pavilion Commercial Group, marketed the ability to perform background checks for real estate development entrepreneurs seeking private funding. Musk collected in excess of \$170,000 to perform these background checks, with full knowledge that he had neither the capability nor intention of completing the background checks. On July 17, 2008 (Count I), on July 23, 2009 (Count II), and on September 29, 2009 (Count III), Musk executed the scheme to defraud by means of a wire

communication. The maximum possible penalty for each of these counts of wire fraud includes imprisonment of 20 years, a \$250,000 fine, 3 years of supervised release, and a \$100 special assessment.

- \* **Karen Red Owl**, age 51, of Niobrara, Nebraska, is charged in a one-count Indictment with embezzlement from an Indian tribe. From on or about March 1, 2006, and continuing to on or about February 28, 2007, Red Owl, an employee of the Santee Sioux Tribe of Nebraska, embezzled more than \$1,000 for her own use from the Santee Sioux Tribe of Nebraska. The maximum penalty for this count includes imprisonment of 5 years, a fine of \$250,000, supervised release of 3 years, and a special assessment of \$100.
- \* **Jorge Salcedo-Lovera**, age 38, is charged with illegal reentry into the United States on or about June 7, 2009, after being deported following conviction for an aggravated felony. The maximum possible penalty is imprisonment of 20 years, a \$250,000 fine, a 3 year term of supervised release, and a \$100 special assessment.
- \* **Shanon R. Thomas**, age 33, is charged in a three-count Superseding Indictment. Count I of the Superseding Indictment charges Thomas with first degree murder on or about April 18, 2010. The maximum possible penalty is imprisonment for life, a \$250,000 fine, a 5 year term of supervised release, and a \$100 special assessment. (The original Indictment charged Thomas with second degree murder.) Count II of the Superseding Indictment alleges that on or about April 18, 2010, Thomas used a firearm during a crime of violence. The maximum possible penalty is not less than 10 years to life in prison, a \$250,000 fine, not less than a 5 year term of supervised release, and a \$100 special assessment. Count III charges Thomas with being a felon in possession of a firearm on or

about April 18, 2010. Thomas was previously convicted of third degree burglary. The maximum possible penalty for this count is 10 years in prison, a \$250,000 fine, a 3 year term of supervised release, and a \$100 special assessment.

- \* **Francisco Velasquez-Vinegas**, age 43, is charged with illegal reentry into the United States on or about April 5, 2010, after being deported following conviction for an aggravated felony. The maximum possible penalty is imprisonment of 20 years, a \$250,000 fine, a 3 year term of supervised release, and a \$100 special assessment.
- \* **Benjamin Noah Weinstein**, age 29, is charged with conspiring with others to distribute and possess with intent to distribute 100 kilograms or more of marijuana beginning at least as early as January, 2007, and continuing through March, 2010. The maximum possible penalty includes imprisonment of not less than 5 years and up to 40 years, a \$2 million fine, a 5 year term of supervised release and a \$100 special assessment.
- \* **Duane Whipple**, age 41, of Niobrara, Nebraska, is charged in a one-count Indictment with embezzlement from an Indian tribe. On or about October 6, 2005, and continuing to on or about August 28, 2007, Whipple, an employee of the Santee Sioux Tribe of Nebraska, embezzled more than \$1,000 for his own use from the Santee Sioux Tribe of Nebraska. The maximum penalty for this count includes imprisonment of 5 years, a fine of \$250,000, supervised release of 3 years, and a special assessment of \$100.
- \* **Bianco White**, age 36, of Niobrara, Nebraska, is charged in a one-count Indictment that from on or about April 19, 2008, and continuing to on or about June 23, 2008, White, an employee of the Ohiya Casino, operated by the Santee Sioux Tribe of Nebraska, stole more than \$1,000 from various slot machines and kept the money for his own personal



use. The maximum penalty for this count includes imprisonment of 20 years, a fine of \$250,000, 3 years of supervised release, and a \$100 special assessment.

- \* **Ashley H. Woodruff**, age 26, of Omaha, is charged with being a felon in possession of a firearm on or about March 26, 2010. Woodruff was convicted in 2005 of theft by deception, which is a felony. The maximum possible penalty includes imprisonment of 10 years, a \$250,000 fine, 3 years of supervised release, and a \$100 special assessment.
- \* **Edgar Zubia-Guerrero**, age 34, is charged with illegal reentry into the United States on or about April 8, 2010, following deportation as a felon. The maximum possible penalty is imprisonment of 10 years, a \$250,000 fine, a 3 year term of supervised release, and a \$100 special assessment.